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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,188	04/01/2004	Katsumi Nishijima	8001-1195	6415

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EXAMINER

WENDELL, ANDREW

ART UNIT PAPER NUMBER

2618

DATE MAILED: 11/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/814,188	NISHIJIMA ET AL.	
	Examiner	Art Unit	
	Andrew Wendell	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 01 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-3, 10-12, 16-19, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Ikeda et al. (US Pat# 6,957,083).

Regarding claim 1, Ikeda's mobile telephone teaches a mobile terminal 1 (Fig. 1a), comprising a control unit 10 (Fig. 2); a display unit 102 and 105 (Fig. 2); an upper housing 100 (Fig. 1a); a lower housing 200 (Fig. 1a); and a 2-axis hinge unit 300 (Fig. 1a) for coupling the housings 100 and 200 (Fig. 1a), wherein a part of the 2-axis hinge unit 300 (Fig. 1a) is exposed outside the terminal, and information input device 400 (Fig. 1a) is mounted in the exposed portion.

Regarding claim 2, Ikeda teaches wherein the control unit 10 (Fig. 2) controls the terminal according to an operation of the information input device 400 (Fig. 2).

Regarding claim 3, Ikeda teaches wherein the control unit 10 (Fig. 2) assigns a predetermined function (first and second condition) to the information input device (Col. 1 line 57-Col. 2 line 44 and Col. 3 line 41-Col. 5 line 60).

Regarding claim 10, Ikeda teaches position detection means for detecting relative positions between the upper housing and the lower housing (Col. 4 lines 20-29 and Col. 5 lines 31-33).

Regarding claim 11, Ikeda teaches wherein the control unit controls the terminal based on an output of the position detection means (Col. 4 lines 20-29 and Col. 5 lines 31-36).

Regarding claim 12, Ikeda teaches wherein the control unit controls an operation of the information input device (Col. 1 line 57-Col. 2 line 44 and Col. 3 line 41-Col. 5 line 60).

Regarding claim 16, Ikeda teaches wherein the position detection means detect a turning direction of the housings (Col. 4 lines 20-29 and Col. 5 lines 31-36).

Regarding claim 17, Ikeda teaches wherein the control unit controls the display unit based on the turning direction of the housings (Col. 1 line 57-Col. 2 line 44 and Col. 3 line 41-Col. 5 line 60).

Regarding claim 18, Ikeda teaches wherein the control unit detects an operation of a predetermined operation key to control an operation of the information input device (Col. 1 line 57-Col. 2 line 44 and Col. 3 line 41-Col. 5 line 60).

Regarding claim 19, Ikeda teaches wherein the control unit controls an operation of the information input device while a predetermined operation key is operated (Col. 1 line 57-Col. 2 line 44 and Col. 3 line 41-Col. 5 line 60).

Regarding claim 24, Ikeda teaches wherein the terminal is a mobile telephone 1 (Fig. 1a).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeda et al. (US Pat# 6,957,083) in view of Gauld et al. (US Pat Pub# 2004/0198435).

Regarding claim 4, Ikeda's mobile telephone teaches the limitations in claim 1.

Ikeda fails to teach a pointing device.

Gauld's camera integration on a mobile device teaches a pointing device 17 (Fig. 1).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a pointing device as taught by Gauld into Ikeda's mobile telephone in order to provide an intuitive user interface (Sections 0013-0014).

Regarding claim 5, the combination including Gauld teaches wherein the control unit 104 (Fig. 4) assigns another operating function to the pointing device 17 (Fig. 1 and Sections 0024 and 0044).

Regarding claim 6, the combination including Gauld teaches wherein the information input device 17 (Fig. 1) further comprises a terminal operating function (Section 0024).

Regarding claim 7, the combination including Gauld teaches wherein the terminal operating function is performed by a press (Section 0024). Note, the user has to perform the function, so a press or some pressure has to be performed for a user to have function.

4. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeda et al. (US Pat# 6,957,083) in view of Schmitt et al. (US Pat# 6,088,585).

Regarding claim 8, Ikeda's mobile telephone teaches the limitations in claim 1. Ikeda fails to teach a fingerprint sensor.

Schmitt's portable telecommunication device including a fingerprint sensor teaches a fingerprint sensor 30 (Fig. 14).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a fingerprint sensor as taught by Schmitt into Ikeda's mobile telephone in order to increase security and reliability (Col. 3 lines 3-11).

Regarding claim 9, the combination including Schmitt teaches wherein the control unit 207 (Fig. 15) can operate the terminal 190 (Fig. 15) when the fingerprint sensor 30 (Fig. 15) detects a predetermined input.

5. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeda et al. (US Pat# 6,957,083) in view of Kim (US Pat# 6,621,066).

Regarding claim 13, Ikeda's mobile telephone teaches the limitations in claim 1. Ikeda fails to teach a magnetic sensor.

Kim's optimizing opening and closing control of a sub-body in automatic and manual folder type mobile communication terminals teaches wherein the position detection means comprise a magnet 300 and 302 (Fig. 4) and a magnetic sensor 236 and 238 (Fig. 4).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a magnetic sensor as taught by Kim into Ikeda's mobile telephone in order to have a more efficient and precise control for opening or closing the sub-body folder upon using of the terminal (Col. 1 lines 51-61).

Regarding claim 14, the combination including Kim teaches wherein the magnet 300 and 302 (Fig. 4) and the magnetic sensor 236 and 238 (Fig. 4) are arranged in separate housings (Fig. 4).

Regarding claim 15, the combination including Kim teaches wherein the magnetic sensor is a Hall element (Fig. 4).

6. Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeda et al. (US Pat# 6,957,083) in view of Wada et al. (US Pat Pub# 2003/0174240).

Regarding claim 20, Ikeda's mobile telephone teaches the limitations in claim 1. Ikeda fails to teach a lock unit.

Wada's mobile telephone teaches a lock unit for locking the 2-axis hinge unit (Section 0055).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a lock unit as

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taught by Wada into Ikeda's mobile telephone in order to increase security (Section 0017 and 0056).

Regarding claim 21, the combination including Wada teaches wherein the lock unit is controlled by an input from the information input device (Section 0055).

Regarding claim 22, the combination including Wada teaches wherein the information input device is a personal authentication sensor (Section 0055); and the lock unit is released when the sensor detects a predetermined input (Section 0055).

7. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeda et al. (US Pat# 6,957,083) in view of Wada et al. (US Pat Pub# 2003/0174240) and further in view of Schmitt et al. (US Pat# 6,088,585).

Regarding claim 20, Ikeda's mobile telephone in view of Wada's mobile telephone teaches the limitations in claims 1 and 20-22. Ikeda and Wada fail to teach a fingerprint sensor.

Schmitt's portable telecommunication device including a fingerprint sensor teaches a fingerprint sensor 30 (Fig. 14).

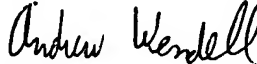
Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a lock unit as taught by Wada into a fingerprint sensor as taught by Schmitt into Ikeda's mobile telephone in order to increase security and reliability (Col. 3 lines 3-11).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Wendell whose telephone number is 571-272-0557. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Andrew Wendell
Examiner
Art Unit 2618

10/26/2006

 10/30/06
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PRIMARY EXAMINER